

Minutes

Arkansas State Board of Optometry

Regular Board Meeting at Freeway Medical Room 908

November 19, 2020

Dr. Ashley, Board President, called the meeting to order at 1:30p.m. with all board members present except Mr. Mitchell Gentry. Also in attendance were Dr. Howard Flippin, Board Executive Director; Ms. Bonita Wineman, Board Assistant; Mr. Kevin O'Dwyer, Board Attorney; Mr. Matt Gilmore, AR Department of Health; Ms. Lacey Kirchner, Attorney General Counsel; Ms. Vicki Farmer, Arkansas Optometric Association, Executive Director; Ms. Debbie Henley, ArOA Executive Assistant; Dr. Allison Hall, ArOA; and Mrs. Kay Butler, Court Reporter.

Dr. Ashley introduced Dr. Susan DeBlack of Conway, who was recently appointed by Governor Hutchinson to fill Dr. Ginger's seat.

Dr. Ashley reported that Governor Hutchinson had appointed Ms. Cassidy Rankin as a liaison to the Board. She will be a point of contact for the board with the Department of Health.

Dr. Hennessey presented the minutes of the October 15, 2020 regular Board meeting and the minutes of the October 27, 2020 Board meeting for the purpose of holding a public hearing regarding the rules and regulations of Act 579. Dr. Ford made a motion to approve the minutes of both meetings as presented. Mr. White made a second. The motion passed.

Dr. Flippin presented the Accounting Update Report dated October 31, 2020. Dr. Hennessey made a motion to accept the financial report. Dr. Ford made a second. The motion passed.

Mr. O'Dwyer was prepared to present the case against Jordan's Kwik Shop in Fort Smith, AR. For illegal contact lens sales. Mr. O'Dwyer admitted Son Chio, formerly an employee of Jordan's Kwik Shop, to the board room. He was accompanied by his attorney Greg Almand. Mr. O'Dwyer announced that Mr. Chio, through his attorney, intended to present a proposal for resolution of the charges. Mr. Almand proposed that the case be resolved by the defendant paying a \$1000 fine and providing the name and contact information of the supplier located in Houston, TX. Mr. O'Dwyer said that he would turn over all the case evidence to the Attorney General's office and other law enforcement agencies for prosecution of the supplier. Dr. Ford made a motion that the Board accept the proposal as presented. Mr. White made a second. The motion passed.

Dr. Ashley noted that Drs. Hennessey and Ford had completed and submitted a final draft of "Requirements for Optometric Physicians using Telemedicine." Mr. O'Dwyer noted that this new document would have to be approved by the legislative Rules Committee who do not meet during the legislative session. The earliest this document could be presented to the legislative committees would be May, 2021. Discussion followed and the Board decided to withhold the document at this time so that it can be edited to reflect any new legislation regarding telemedicine passed in the 2021 session.

Dr. Ashley led a discussion regarding the application that will be necessary to sit for Advanced Procedures (AP) testing. Dr. Ashley will edit the document based on board recommendations. It will be sent to board members upon its completion.

Dr. Ashley led a discussion regarding the wording that might be used on the license/certificate that will be issued to those who will be qualified to use the advanced procedures outlined in Act 579. No decision was made.

Mr. O'Dwyer spoke briefly about the necessity to get the rules and regs regarding prescribing controlled substances incorporated into the Board Rules. (Reference Chapter 5, Article IX)

Dr. Ashley led a discussion regarding possible testing dates for AP licensure and the various needs and obstacles to AP testing. It was tentatively decided to determine the availability of instructors and venues for testing on the weekend of January 15-17, 2021. There are multiple ways those dates might be utilized for testing. Dr. Ashley pointed out that all doctors on the Board are expected to assist in the management of the testing.

The board received a letter from Mike McFarland, OD, MS (Vold Vision, Fayetteville, AR), regarding Light Adjustable Lenses (LAL) which are able to, through application of low intensity light, delivered through a device referred to as a light delivery device (LDD), be altered to correct post-operative ametropia. He seeks the Board's opinion as to whether such treatment, by a co-managing optometric physician, is within our state's scope of practice for optometrists. Dr. Ashley asked the board to research the LAL/LDD procedures and determine if this practice falls within Arkansas' current scope of practice.

The Board received a letter of complaint regarding several non-clinical issues of concern regarding an Arkansas licensed optometric physician. His response to these charges claimed them to be "absurd." Mr. O'Dwyer offered to investigate these claims prior to the Board calling the doctor before the board.

Dr. Ashley presented the Department of Health's investigative report regarding illegal contact lens sales at Y J Beauty World in Ft. Smith, AR. Dr. Hennessey made a motion that the board pursue charges. Dr. Ford made a second. The motion passed.

Dr. Hennessey made a motion that per diem and travel be paid to board members for this meeting. Dr. Ford made a second. The motion passed.

The next Board meeting will be February 18, 2021 at 1:30 p.m. in a place yet to be determined.

Mr. White made a motion to adjourn. Dr. DeBlack made a second. The motion passed.

The meeting adjourned at 2:31 p.m.

Bryant Ashley, OD, President

Dan Hennessey, OD, Secretary